

ECF CASE
JUDGE MARRERO

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

J & J SPORTS PRODUCTIONS, INC., as
Broadcast Licensee of the **May 5, 2007**
DeLaHoya/Mayweather Program,
Plaintiff,

-against-

ATTORNEY'S AFFIDAVIT OF COSTS AND FEES

Civil Action No.07-CV-8106-VM-KNF
HON. VICTOR MARRERO

RICARDO RAMIREZ and CARMEN RAMIREZ,
Individually, and as officers, directors, shareholders
and/or principals of DON RICARDO STEAK
HOUSE LLC d/b/a DON RICARDO
RESTAURANT a/k/a DON RICARDO
STEAKHOUSE,

and

DON RICARDO STEAK HOUSE LLC d/b/a DON
RICARDO RESTAURANT a/k/a DON RICARDO
STEAKHOUSE,

Defendants.

STATE OF NEW YORK :
: SS.:
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing of the above captioned matter are as outlined below:

- a. Filing Fees - \$350.00
- b. Service of Process - \$300.00
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.
- c. Attorneys Fees - \$750.00
See below

Total Litigation Expenses(**\$1,400.00**)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

<u>Date</u>	<u>Action</u>		<u>(in hours)</u>	<u>Fee</u>
06/18/2007	Factual research and development	.50	\$100.00	Atty
06/20/2007	Claim Letter issued	.25	\$18.75	Para
06/12/2007	TC from Defendant	.12	\$25.00	Atty
07/27/2007	Final Notice Ltr	.25	\$18.75	Para
09/11/2007	Complaint drafted, Corporate disclosure	.50	\$100.00	Atty
09/12/2007	Complaint sent to Court for Filing	.25	\$18.75	Para
09/25/2007	Arranged Service	.25	\$18.75	Para
10/25/2007	Review Service	.13	\$25.00	Atty
10/25/2007	Filed and mailed Proofs of Service	.25	\$18.75	Para
11/02/2007	Review Ltr.	.12	\$25.00	Atty
11/14/2007	Ltr in response	.25	\$18.75	Para
11/28/2007	Drafting Request for Default	.50	\$100.00	Atty
11/28/2007	Filed and mailed Request For Default	.50	\$37.50	Para
12/03/2007	Review Clerk's Certificate	.13	\$25.00	Atty
12/04/2007	Drafted Motion for Default	1.0	\$200.00	Atty
		Hours	Fee	
		3.00 Atty	\$600.00	

2.00 Para \$150.00

Total \$750.00

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control State Liquor Authority. The results show that Ricardo Ramirez and Carmen Ramirez are principals of Don Ricardo Steak House LLC. The public Query Results page is attached hereto, as Exhibit "B".

6. We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

WHEREFORE, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

Against, RICARDO RAMIREZ Individually, and as officers, directors, shareholders and/or principals of DON RICARDO STEAK HOUSE LLC d/b/a DON RICARDO RESTAURANT a/k/a DON RICARDO STEAKHOUSE

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FOUR HUNDRED SIXTY SIX DOLLARS AND SIXTY SIX CENTS (\$466.66)

Against, CARMEN RAMIREZ, Individually, and as officers, directors, shareholders and/or principals of DON RICARDO STEAK HOUSE LLC d/b/a DON RICARDO RESTAURANT a/k/a DON RICARDO STEAKHOUSE

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)

- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FOUR HUNDRED SIXTY SIX DOLLARS AND SIXTY SIX CENTS (\$466.66)

**Against, DON RICARDO STEAK HOUSE LLC d/b/a DON RICARDO RESTAURANT
a/k/a DON RICARDO STEAKHOUSE,**

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of FOUR HUNDRED SIXTY SIX DOLLARS AND SIXTY SIX CENTS (\$466.66)

Dated: December 4, 2007
Ellenville, NY 12428

/s/ Julie Cohen Lonstein
Julie Cohen Lonstein, Esq.
Bar Roll No. JL8512
Lonstein Law Office, P.C.
Attorneys for Plaintiff
1 Terrace Hill; PO Box 351
Ellenville, NY 12428
Telephone: 845-647-8500
Facsimile: 845-647-6277

Sworn to before me this 4th
day of December 2007

/s/ April Draganchuk
April Draganchuk
Notary Public State of New York
Registration No. 4945872
Residing in Ulster County
My Commission Expires Jan. 27, 2011

Exhibit A

1 Terrace Hill
P.O. Box 615
Ellenville, NY 12428

Date	Invoice #
10/25/2007	1142

Bill To
Lonstein Law Office, PC Wayne D Lonstein 1 Terrace Hill P.O. Box 351 Ellenville, NY 12428

Description	Amount
INDIVIDUAL SERVICE J&J v. RICARDO RAMIREZ YOUR FILE #07-4-S04V CV #07-8106	100.00
INDIVIDUAL SERVICE J&J v. CARMEN RAMIREZ YOUR FILE #07-4-S04V CV #07-8106	100.00
CORPORATE SERVICE J&J v. DON RICARDO STEAK HOUSE, LLC YOUR FILE #07-4-S04V CV#07-8106	100.00
Total	
	\$300.00

Exhibit B

NEW YORK STATE

Eliot Spitzer
Governor

Division of Alcoholic Beverage Control
State Liquor Authority
Noreen Healey
Commissioner

Joshua B. Toas
CEO

Daniel B. Boyle
Chairman

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Public Query - Results

License Information

Serial Number: 1176346

License Type: ON-PREMISES LIQUOR

License Status: License is Active

Credit Group: 2

Filing Date: 04/11/2006

Effective Date: 10/24/2006

Expiration Date: 09/30/2008

Premises Information

Principal's Name: RAMIREZ, RICARDO
RAMIREZ, CARMEN

Premises Name: DON RICARDO STEAK HOUSE LLC

Trade Name: DON RICARDO RESTAURANT

Zone: 1

Address: 4460 BROADWAY

190TH STREET & 192ND STREET

NEW YORK, NY 10040

County: NEW YORK

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